

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

UNANIMOUS CONSENT REQUEST—
S. 2302

Mr. CRUZ. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2302 and the Senate proceed to its immediate consideration; I further ask that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CRUZ. Mr. President, moments ago I asked this body to take up and pass two commonsense pieces of legislation in response to the terrorist attack in Paris. The first, the Expatriate Terrorist Act, is legislation I introduced over a year ago—attempted to pass over a year ago—and that the Democratic Party blocked. That legislation provides that any American citizen who goes and joins ISIS, who takes up arms against America and attempts to wage jihad, by doing so, forfeits his or her U.S. citizenship. Existing Federal law provides for grounds of revocation of citizenship, and this piece of legislation would add joining terrorist groups such as ISIS to those grounds.

Unfortunately, the Democratic Party has just objected to passing that commonsense legislation. As a consequence, and because of that objection, it means that Americans—and the estimates are it could be up to or over 100 Americans—who have gone and joined ISIS right now are waging jihad against America. As a consequence of that objection, it means those ISIS terrorists can come back to America using a U.S. passport and wage jihad against this country—attempt to murder innocent men and women in this country using a U.S. passport. That is, I believe, a profound mistake.

The second piece of legislation I just asked this body to pass and the Democrats just objected to is legislation that would stop President Obama and Hillary Clinton's plan to bring in tens of thousands of Syrian Muslim refugees to the United States in light of the declaration of war from ISIS, in light of the horrific terrorist attack and in light of the admissions from the Director of the FBI, Director Comey—who I might note President Obama appointed—who said the administration cannot vet these refugees to determine whether or not they are ISIS terrorists. Indeed, he said since they do not have the data on which of the Syrian refugees are involved with ISIS terrorism, they can query the database, but with no information in the database, he said they can query over and over again

until the cows come home, but they do not have the information.

Unfortunately, the Democratic Party, the Democratic Senators in this body have chosen to stand with President Obama and his absurd political correctness, his unwillingness even to utter the words “radical Islamic terrorism.” The President refuses to say the words “radical Islamic terrorism.” Hillary Clinton refuses to say the words “radical Islamic terrorism.” Not only do they refuse to say the words, but they are supporting a policy of bringing tens of thousands of Syrian Muslim refugees into this country knowing full well we cannot vet them to determine who is coming here to wage jihad. That is a profound threat to this country, and I hope we will stand as one. This ought to be an area of bipartisan agreement.

I would note that the legislation I introduced includes an exception for persecuted minorities facing genocide—Christians, Yazidis, small minorities facing genocide. In response to my acknowledging genocide as a different circumstance, President Obama, 2 days ago in Turkey, attacked me directly. He said it was un-American to want to protect this country from terrorists and to want to help persecuted Christians. Then yesterday, President Obama attacked me again from Manila, saying it was offensive that I, and so many millions of other Americans, want to keep our children safe.

Mr. President, it is neither un-American nor offensive to believe in the rule of law, to believe in standing up to radical Islamic terrorism. And it is an astonishing statement that so many Democratic Senators choose to stand with a President who will not confront radical Islamic terrorism.

Indeed, just this week Secretary Kerry rationalized the terrorist attack on Charlie Hebdo saying it was understandable why they attacked Charlie Hebdo. We should not be acting as apologists for radical Islamic terrorists. The very first obligation of the Commander in Chief is to keep this Nation safe. And I will say that any official responsible for bringing people in when they do not know if they are radical Islamic terrorists will bear responsibility for the consequences of their actions.

ISIS has been plain. They intend to murder as many Americans as possible and they intend to carry out terror attacks here, such as that which happened in Paris. This commonsense legislation would have helped protect this Nation, but I am sorry to say the Democratic Party is objecting to it.

I believe we should put America first, protecting America first. Unfortunately, my friends on the other side of the aisle are blocking that effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand there is a limited amount of time.

The PRESIDING OFFICER. There is 7½ minutes remaining on the Democratic side.

Mr. LEAHY. I thank the distinguished Chair.

Mr. President, I am worried in this country that we hear rhetoric that is dangerous, and it is time to stop. It shames the very nature of what America is. These are ideas that are wrong, and I would say they are deeply anti-American.

My grandparents—my Italian grandparents, my Irish great-great-grandparents—heard some of this rhetoric when some in this country said they shouldn't come here: Don't allow these Papists into the United States; don't allow these Irish, who are opposed to the rule of Great Britain on their island, and they actually stood up and fought against Great Britain.

The words back then, like some of the words today, come from a place of fear and hatred. I do not want to stand by quietly and see the victims of terrorism and torture be demonized just so people will have talking points for the local evening news. We are better than this.

The bill my colleague, the junior Senator the from Texas, introduced an hour ago would prevent refugee protection for virtually all nationals of Iraq, Libya, Somalia, Syria, and Yemen, regardless of how much they have suffered at the hands of terrorists and despots. Women fleeing gang rapes and children fleeing horrors we cannot even imagine would be closed off.

A few weeks ago the world came together, stunned and heartbroken over the image of a 3-year-old Syrian child's lifeless body washed up on a Turkish beach. His tragic death focused our attention on the desperate plight of so many Syrians who have fled the horror of ISIS and Bashar al-Assad.

We called it the humanitarian issue of the day. We called forth images of our Statue of Liberty and our proud history as a land of refuge for those fleeing persecution. I heard so many on this floor as well as from commentators in the news. Those who call now for us to slam our doors on even properly vetted Syrian and other refugees should remember that the people we will shut out are those very children who touched our hearts just weeks ago.

Of course, we are horrified by what happened in Beirut and Paris, and we need an effective, thoughtful strategy for countering ISIS and other terrorist organizations. That is what we should be debating. What we have done so far is not working, and we should be talking about how more countries should be involved in this fight. ISIS is our enemy; the people fleeing ISIS are not.

In fact, we have had discussions about other things that could be done. Somebody who is on a terrorist watch list but who is in this country legally can go to a gun show and buy all the automatic weapons they want, and they break no law. They can buy all the ammunition they want, and they

break no law. They can go to the store, as did one of the greatest terrorists this country faced—the man who did the Oklahoma city bombing—and buy the components of a bomb, and they break no law. These are the things we ought to be discussing.

I do not understand why Senator CRUZ is on the Senate floor seeking unanimous consent to pass this bill. This very bill is on the Judiciary Committee agenda, and the committee is currently considering it and needed improvements to it.

When the Senate Judiciary Committee debates this bill, we will have a lot to discuss. This legislation affects constitutional rights, and should be carefully vetted by the judiciary committee. Serious constitutional concerns have been raised by voices from across the political spectrum—from the National Review to the ACLU.

Just yesterday I received a letter from former NRA president David Keene and Georgetown Law professor David Cole, in their roles with The Constitution Project. They urge opposition to this bill because it “serves virtually no practical purpose, raises serious constitutional concerns, and would do nothing to keep America safe.” These are strong words, and I take these concerns seriously. Rushing a bill to the floor when that very bill is already scheduled for consideration by the committee of jurisdiction is not a responsible approach to legislating. And when legislation involves something as fundamental as citizenship, we should give the judiciary committee an opportunity to consider and debate this bill before it is brought to the Senate floor.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles relating to the topic at hand.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION PROJECT,
Washington, DC, November 18, 2015.

Hon. CHUCK GRASSLEY,
Chairman, Senate Judiciary Committee, Hart
Senate Office Building, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Member, Senate Judiciary Committee,
Russell Senate Office Building, Washington,
DC.

DEAR CHAIRMAN GRASSLEY, RANKING MEMBER LEAHY, AND JUDICIARY COMMITTEE MEMBERS: On January 22, 2015, Senator Ted Cruz (R-TX) introduced S. 247, the Expatriate Terrorists Act (ETA). Representative Steve King (R-IA) simultaneously introduced companion legislation in the House. According to the bill's sponsors, the ETA is a common sense counterterrorism tool that would strip U.S. citizenship from Americans who fight with or support foreign terrorist organizations working to attack the United States. The ETA would also purportedly “fill . . . statutory holes” in the Secretary of State's “authority to revoke a terrorist's passport.”

In fact, the ETA serves virtually no practical purpose, raises serious constitutional concerns, and would do nothing to keep America safe. We urge you to oppose it.

Like previous iterations of the same idea, the ETA would amend 8 U.S.C. 1481(a), which

sets out limited circumstances under which U.S. citizens can be denaturalized or expatriated. The bill would add the following to the short list of predicate acts that can result in loss of citizenship: 1) taking an oath of allegiance to a foreign terrorist organization; 2) joining a foreign terrorist organization's armed forces while they are fighting the United States; and 3) “becoming a member of, or providing training or material assistance to,” a foreign terrorist organization.

The ETA also amends the Passport Act of 1926 to require the Secretary of State to deny a passport to, or revoke one from, anyone who the Secretary has determined is a member, or is attempting to become a member, of a foreign terrorist organization.

Senator Cruz has said repeatedly that the ETA works a “formal” or “affirmative” renunciation of U.S. citizenship. To the extent he means to suggest that, under the bill, a person would automatically lose citizenship simply by engaging in the above conduct, he is wrong. The ETA does not and could not achieve that result.

Citizenship is a constitutional right, and the Constitution prohibits the government from revoking a person's citizenship against his will under any circumstances. As the Supreme Court has explained, “the intent of the Fourteenth Amendment, among other things, was to define citizenship . . . [and] that definition cannot coexist with a congressional power to specify acts that work a renunciation of citizenship even absent an intent to renounce. In the last analysis, expatriation depends on the will of the citizen rather than on the will of Congress and its assessment of his conduct.” As a constitutional right, citizenship can be knowingly and voluntarily waived, but it cannot be taken away from an individual absent such a waiver. Thus, to revoke a person's citizenship the government must prove not only that he committed an expatriating act prescribed in section 1481(a), but also that he did so voluntarily and with the specific intent to relinquish his citizenship.

Given these requirements, the ETA will almost certainly result in no additional expatriations. Unless Senator Cruz expects citizens subject to expatriation proceedings freely to admit that they joined or supported a foreign terrorist group specifically intending to renounce their U.S. citizenship, no one will in fact be expatriated. We doubt that government officials would believe it an efficient use of resources to try, especially given the broad reach of existing laws that already provide harsh penalties for U.S. citizens who engage in acts of terrorism.

The bill's passport revocation provisions are similarly unnecessary. There is no “statutory hole” to fill—the Secretary of State already has the authority to deny a passport to anyone whose “activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States,” and to revoke a passport on the same grounds.

Not only is the bill practically useless, it also raises serious constitutional concerns. The ETA makes membership in or “providing training or material assistance to” certain foreign terrorist organizations a predicate act to expatriation. There are two constitutional problems with this provision. First, neither “training” nor “material assistance” is defined. Similar language in 18 U.S.C. 2389B was ruled unconstitutionally vague until Congress added specific definitions. Because Congress has not done so here, this provision of the ETA suffers from the same constitutional flaw.

Second, unlike other crimes currently listed in section 1481(a) that can result in loss of citizenship (see section 1481(a)(7)), Senator Cruz's addition does not require proof of a

conviction as a prerequisite. That omission undermines the constitutional right of due process. As the Constitution Project's Liberty and Security Committee explained in opposing similar past attempts to amend section 1481(a):

[T]he language of 1481(a)(7) expressly requires a conviction as a necessary prerequisite to denaturalization or expatriation proceedings. This requirement protects the constitutional right of due process, since one cannot actually be said to have committed the acts specified in 1481(a)(7)—each of which are crimes against the United States—until and unless those acts have been proven to a jury beyond a reasonable doubt. As the Supreme Court expressly held in *Kennedy v. Mendoza-Martinez*, Congress cannot deprive an individual of his or her citizenship as a “punishment” absent the procedural safeguards of a criminal trial.

The rise of the Islamic State of Iraq and the Levant (ISIL) and the United States' response to date raises a critical question for Congress to consider, but it is not the ETA. For well over a year, the United States has been at war with ISIL and Congress has still not weighed in, notwithstanding its constitutional responsibility to do so. Members should spend their time debating and voting on this grave question, not preoccupied with needless and likely unconstitutional legislation.

We urge you to oppose the Expatriate Terrorists Act.

Sincerely,

DAVID COLE,

Hon. George J. Mitchell, Professor in Law and Public Policy at Georgetown University Law Center; co-chair of the Constitution Project's Liberty and Security Committee

DAVID KEENE,

Opinion Editor, The Washington Times; Former Chairman, American Conservative Union; co-chair of the Constitution Project's Liberty and Security Committee.

[From the National Review, Jan. 28, 2015]

HOW NOT TO FIGHT TERRORISM

(By Gabriel Malor)

Representative Steve King and Senators Ted Cruz and Chuck Grassley have reintroduced the Expatriate Terrorist Act, a bill to strip U.S. citizenship from terrorists. The proposal sounds nice in theory, but it is also unconstitutional and unnecessary, the latest in a sad line of civil-liberties infringements justified by politicians trying to look tough in the war on terrorism. Even if the bill did not have these fatal infirmities, it would put the determination of who will retain their citizenship in the hands of unelected bureaucrats at the Departments of Justice, State, and Homeland Security. On that ground alone, all Americans should unite in opposition.

The idea to strip citizenship from terrorists is not a new one. In 2010, Senators Joe Lieberman and Scott Brown introduced similar legislation, dubbed the Terrorist Expatriation Act. Their bill would have amended the list of expatriating acts in the Immigration and Nationality Act to include material assistance to foreign terrorist organizations. Legal scholars and civil libertarians pointed out that the bill was neither necessary nor constitutional, and ultimately it died.

The new bill put forward by King, Cruz, and Grassley goes further, adding membership, training, and oaths of allegiance to the list of expatriating acts. They claim that this legislation is necessary to protect the homeland from radicalized citizen-terrorists returning from abroad.

But citizenship is not a mere privilege. It is a right specifically protected by the Constitution. Congress cannot simply decide that individuals lose their citizenship when they commit certain acts. Rather, to strip a person's citizenship requires that the government prove not only that he committed an act deemed expatriating by Congress but that he did so knowingly and voluntarily and with the intent to relinquish his citizenship. In the words of Justice White, writing for the Supreme Court when this issue was settled decades ago, "in the last analysis, expatriation depends on the will of the citizen rather than on the will of Congress and its assessment of his conduct."

Senator Cruz's claim that his bill would make the act of becoming a terrorist an "affirmative renunciation" of citizenship is deeply misleading. To be constitutional, expatriation can be accomplished only by intent to relinquish, something that Cruz, a lawyer and litigator of great skill, should already know. And if he doesn't mean what he is saying, he owes it to the American public to tell us how he believes the law would operate or if it would even be practicable at all.

On the issue of deception, King, Cruz, and Grassley say the statutory change targets dangerous terrorist fighters who try to return to the United States from abroad. The plain language of the proposed legislation, however, is not limited to those who actually take up arms. It applies to anyone who merely claims membership in a terrorist organization or gives an oath, training, or material assistance to terrorists, regardless of whether he actually fights. And it is not limited just to terrorists abroad; any of those actions taken inside the United States would also trigger the citizenship-stripping provision under the express terms of the legislation, leading to the deplorable circumstance of creating stateless terrorists within the jurisdictional boundaries of the United States.

This is assuming the courts actually credit King, Cruz, and Grassley's stated security purpose for proposing the law. If the courts were to decide that the expatriation of terrorists was intended to be a punitive act rather than a security measure, a different and more stringent series of constitutional prohibitions come into play, including the Fifth and Sixth Amendment protections for criminal defendants.

King, Cruz, and Grassley are selling fear to justify an unconstitutional deprivation of rights, and they are doing it for no good reason. If the U.S. government has enough information to identify citizen-terrorists abroad and intercept them on their attempted return, it has enough information to bring criminal prosecutions against those individuals for terrorism when they try to reenter the United States. The authority to intercept and detain such individuals has already been granted by Congress to the Department of Homeland Security. The Department of Justice, of course, also has the authority to prosecute such individuals. And so the stated purpose for the proposed legislation is dubious, since the government's responsibility for intercepting returning terrorists is settled law, which has a side benefit of being constitutional.

Even if this legislation were passed into law, because of its constitutional infirmity it would never work as billed by its proponents. Instead, it would mobilize an army of bureaucrats at Justice, State, and Homeland Security to start sniping away at Amer-

icans' rights of citizenship and travel. For example, the Justice Department gets to designate or decline to designate foreign terrorist organizations and so controls the determination of who is subjected to losing his citizenship. State Department officials have the authority to determine who gets sent expatriation certificates. And Homeland Security customs and border officers are responsible for detaining and paroling or removing non-citizens, including expatriated former citizens, who attempt entry to the United States.

All of these bureaucratic acts are subject to abuse. For that reason they are also subject to various types of administrative and judicial challenge, which typically drag on for years at great cost. Such litigation and the bureaucratic infrastructure to support it would be for questionable benefit in light of the alternate means already in place to intercept terrorists.

In short, the Expatriate Terrorist Act is a constitutionally suspect law. Well-established programs for intercepting terrorists attempting to enter the United States already exist. At best, the proposed bill would greatly increase the power of government to use and abuse its discretion to meddle with American lives. It does not represent a genuine attempt to better our national security. On the contrary, it is merely the latest in a series of questionable infringements of civil liberties proposed by politicians eager to exploit the public's fear of terrorism.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, November 18, 2015.

Re Oppose Senator Ted Cruz's Request for Unanimous Consent on S. 247, the Expatriate Terrorists Act, which Strips U.S. Citizenship without Due Process and based on Suspicion

VOTE "NO" ON S. 247 AS UNCONSTITUTIONAL
S. 247 STRIPS AMERICAN CITIZENSHIP BASED ON MERE SUSPICION BY AN UNNAMED GOVERNMENT OFFICIAL

DEAR SENATOR: The American Civil Liberties Union strongly urges you to oppose S. 247, the Expatriate Terrorists Act, which is sponsored by Senator Ted Cruz. The bill would strip U.S. citizenship from Americans who have not been convicted of any crimes, but who are merely suspected by an unnamed government official of wrongdoing.

S. 247 is dangerous because it would attempt to dilute the rights and privileges of citizenship, one of the core principles of the Constitution. As the Supreme Court explained in 1967 in *Afroyim v. Rusk*, "the Fourteenth Amendment was designed to, and does, protect every citizen of this Nation against a congressional forcible destruction of his citizenship, whatever his creed, color, or race . . . [It creates] a constitutional right to remain a citizen in a free country unless he voluntarily relinquishes that citizenship." The bill is also unnecessary because existing laws already provide significant penalties for U.S. citizens who engage in acts of terrorism.

An already unconstitutional federal statute, 8 U.S.C. §1481, provides that an American can lose his or her citizenship by performing either of the following broad categories of acts with the intention of relinquishing his or her nationality:

acts that affirmatively renounce one's American citizenship, such as taking an oath of allegiance to a foreign government or serving as an officer in the armed forces of a foreign nation; or

committing crimes such as treason or conspiracy to overthrow the U.S. government, or bearing arms against the United States, "if and when [the citizen] is convicted thereof by a court martial or by a court of competent jurisdiction."

S. 247 would add a new category of expatriating acts—"Becoming a member of, or providing training or material assistance to, any foreign terrorist organization designated under Section 219." This implicates several constitutional concerns.

First, the material assistance provision added by the bill would treat suspected provision of material assistance as an act that affirmatively renounces one's American citizenship. Thus, unlike treason or conspiracy to overthrow the U.S. government, this provision would not require a prior conviction. It would only require an administrative finding by an unspecified government official that an American citizen is suspected of providing material assistance to a designated foreign terrorist organization with the intention of relinquishing his or her citizenship.

Second, this provision would violate Americans' constitutional right to due process, including by depriving them of citizenship based on secret evidence, and without the right to a jury trial and accompanying protections enshrined in the Fifth and Sixth Amendments. In sum, the bill turns the whole notion of due process on its head. Government officials do not have the power to strip citizenship from American citizens who never renounced their citizenship and were never convicted of a crime.

Third, the material assistance provision suffers from the same constitutional flaws that plague other material support laws, and goes far beyond what the Supreme Court has held is constitutionally permissible when First and Fourth Amendments rights are at stake. In 2010, the Supreme Court disappointingly ruled in *Holder v. Humanitarian Law Project* that teaching terrorist groups how to negotiate peacefully could be enough to be found guilty of material support. Even if that logic might apply to criminal conduct, it should not cause an American to lose his or her citizenship.

For these reasons, the ACLU urges you to oppose S. 247. Please contact Chris Anders at canders@aclu.org or (202) 675-2308, if you have any questions regarding this letter.

Sincerely,

KARIN JOHANSON,
Director, Washington
Legislative Office.

CHRISTOPHER ANDERS,
Senior Legislative
Counsel, Wash-
ington Legislative
Office.

Mr. LEAHY. I reserve my time, and I yield the floor.

Mr. DURBIN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There is 3 minutes on the Democratic side and 2 minutes on the Republican side.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, let me say at the outset the initial unanimous consent request made by the junior Senator from Texas was a bill which he had pending before the Senate Judiciary Committee today. He did not attend that meeting of the Senate Judiciary Committee. I wish he had. I think we should have all been there if we wanted to take this up and debate it. I objected on behalf of Senator LEAHY and myself, and the Senator has spoken to the reasons for that objection.

Let me address the second part of this bill relative to refugees. We will reflect in years to come about what happened in this world in the last week and 10 days. We will reflect on the terrible tragedy that occurred in Paris,

France, and in Beirut and other nations, which was led by the ISIS terrorists. We will reflect on those poor victims who died as a result of their terrorist acts. And we will also reflect on acts of heroism and wisdom that emerged from this terrible tragedy, heroism on the ground in Paris and other places by those who defied these terrorists and those who risked their lives to bring those responsible to justice, and the wisdom and compassion shown by leaders around the world not to exploit this situation.

When President Hollande of France announced that his country would receive 35,000 refugees after this attack, he made it clear that he would not hold those innocent, helpless refugees accountable for the terrible misdeeds of these terrorists. When the nation of Canada said they would accept thousands of refugees, even after the Paris attack, they showed the wisdom and good sense to differentiate those helpless victims of terrorism around the world who are seeking refuge on our shores from those who perpetrated these terrorist acts. Then listen to the debate on Capitol Hill. Listen to the unanimous consent requests made this morning by the junior Senator from Texas. It is not consistent with that ethic. It is not consistent with those values.

To say we will accept only refugees who are the victims of genocide would close the doors to Cuban refugees who came to the United States, trying to escape all of communism and what it meant to their families. It would have closed the doors to Soviet Jews persecuted in that country who were looking for freedom and came to the United States as refugees. I can list countless others who were not the victims of genocide, but they were the victims of persecution, they were from war-torn countries, and they were the victims, as Senator LEAHY has said, of gang rape and terrorism.

Listen to what has been said on the other side of the Rotunda and in this Chamber today. It does not merit the kind of appreciation of American values that we insist on when we make these critical decisions. In time of war, in time of attack, sometimes rash decisions are made. I predict that in the course of history, as people in the future reflect on what happened in the Senate and the House of Representatives this week, they will hope that saner voices will prevail.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CRUZ. Mr. President, the Senator from Vermont spoke against overheated rhetoric and in the very next breath accused me of being anti-American, echoing the attack President Obama gave standing on the soil of Turkey. Let me say that speaking the truth is not terrorism.

My Democratic friends invoked their Irish and Italian grandparents. Well, when my Irish and Italian grand-

parents came to this country, they did not pose a terrorist threat because they were not seeking to murder innocent citizens. When my Cuban father came as a refugee, he was not a terrorist threat seeking to murder innocent citizens. This is an example of the Democratic Party's refusal to acknowledge the qualitative difference. Perhaps if they cannot see it, they can hear it, because in 2009 the Obama administration released Abu al-Baghdadi, the leader of ISIS. As he was being released, Abu al-Baghdadi turned to Army COL Kenneth King and said: See you in New York.

ISIS intends to murder Americans, and if the Democratic Party cannot distinguish between ISIS terrorists and Irish and Italian and Jewish and Cuban immigrants, then they are ignoring reality.

I would note that the Expatriate Terrorist Act is very, very similar to legislation that was introduced in 2010 by Democratic Senator Joe Lieberman and Senator Scott Brown, both of whom apparently, under the view of the Senator from Vermont, are un-American as well. I would note that at the time, then-Senator Hillary Clinton said about legislation virtually identical to my legislation:

United States citizenship is a privilege. It is not a right. People who are serving foreign powers—or in this case foreign terrorists—are clearly in violation of the oath which they swore when they became citizens.

Yet President Obama and the Senator from Vermont apparently now consider Hillary Clinton's statement to be un-American. It is the essence of being American to say the Commander in Chief should protect the safety and security of this country.

I would note that the assistant Democratic leader invoked President Hollande in France. President Hollande said he would support stripping French citizenship. We should protect ourselves every bit as much as the other nations on Earth.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator's time has expired.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of H.R. 2577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Collins/Reed amendment No. 2812, in the nature of a substitute.

Collins/Reed amendment No. 2813 (to amendment No. 2812), to make a technical amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST ATTACKS AGAINST FRANCE AND SYRIAN REFUGEES

Mr. MURPHY. Madam President, I wish to speak about Friday night for a few moments. In Connecticut, on Friday night the world really did stop. Thousands of people in my State watched their television set or their smartphone as images like this one poured in from the blood-soaked streets of Paris: horrific reports, scores dead, more badly wounded. Deep down, in Connecticut, we ached deeply for Paris's loss. Maybe it is because for those of us who hail from the former colonies, we feel a special sense of brotherhood with the French. In my boyhood town of Wethersfield, CT, I grew up a stone's throw from the tavern where Washington and Rochambeau met to plan their campaign against the British. We pain for France because of 250 years of friendship and also because we know, unfortunately, exactly what they are going through. That ominous sense of familiarity and that perverse bond among nations that have been visited by mass terrorist attack are part of the reason why we ached so acutely on Friday night, over the weekend, and into this week.

But also, these pictures cause us pain because we fear this isn't the end of the mass slaughter. We grieve because the massive scale of this particular attack, on a nation that already had its antenna tuned for a potential attack, made us realize how vulnerable we still are today to a similar assault. The threat of another large-scale extremist attack just became so much more real for millions of Americans who had, frankly, begun to settle into an understandable comfortable complacency, a decade and a half since that last major terrorist attack just miles from Connecticut's border.

In Connecticut, to be honest, people are mad and they are scared. Having watched all of this coverage, I understand why. But images such as this also move the people of my State. These are two little kids, Ralia and Rahaf, 7 and 13 years old. This is where they sleep at night, on the streets of Beirut. They went there from Damascus after their mother and their brother were killed by a grenade. Along with